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 DENNIS MONTGOMERY and the MONTGOMERY
 FAMILY TRUST

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COUNSEL/PARTIES OF RECORD	
MAY 15 2009 <i>DPH</i>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS MONTGOMERY and the
 MONTGOMERY FAMILY TRUST,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC, WARREN
 TREPP, and the UNITED STATES
 DEPARTMENT OF DEFENSE,

Defendants.

AND RELATED CASES.

Case No. 3:06-CV-00056-PMP-VPC
 BASE FILE

(Consolidated with Case No. 3:06-CV-
 00145-PMP-VPC)

**MONTGOMERY PARTIES'
 EMERGENCY MOTION FOR
 ADDITIONAL TIME TO RETAIN NEW
 COUNSEL**

1 Ellyn S. Garofalo and Randall J. Sunshine of the law firm Liner Grode Stein Yankelevitz
2 Sunshine Regenstreif & Taylor LLP have been admitted *pro hac vice* to represent Dennis
3 Montgomery, Brenda Montgomery and the Montgomery Family Trust in this matter. Mark H.
4 Gunderson has served as local counsel for the Montgomery Parties. On April 28, 2009, the Court
5 granted Mr. Gunderson's motion for leave to withdraw, and ordered the Montgomery Parties to
6 retain substitute local counsel by May 12, 2009 [Docket # 1025].

7 Despite good faith efforts, as of May 12, 2009, the Montgomery Parties have been unable to
8 locate and retain local counsel. Although the Montgomery Parties have identified counsel they
9 wish to retain, counsel has not yet completed its analysis of potential conflict issues. Accordingly,
10 the Montgomery Parties respectfully request an additional week, until May 19, 2009, to retain new
11 local counsel.

12
13 Dated: May 12, 2009

Respectfully submitted,

14 LINER GRODE STEIN YANKELEVITZ
15 SUNSHINE REGENSTREIF & TAYLOR LLP

16 By: /s/ Ellyn S. Garofalo

17 Ellyn S. Garofalo
18 Attorneys for DENNIS MONTGOMERY,
19 the MONTGOMERY FAMILY TRUST,
20 EDRA BLIXSETH and OPSRING LLC

21 **IT IS SO ORDERED**

22 **U.S. MAGISTRATE JUDGE**

23 DATED: May 13, 2009
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP, and that on May 12, 2009, I caused to be served the within document described as **MONTGOMERY PARTIES' EMERGENCY MOTION FOR ADDITIONAL TIME TO RETAIN NEW COUNSEL** on the interested parties in this action as stated below:

<p>J. Stephen Peek, Esq. Jerry M. Snyder, Esq. Adam G. Lang, Esq. Shane M. Biornstad, Esq. Holland & Hart LLP 5441 Kietzke Lane, Second Floor Reno, Nevada 89511 (775) 327-3000; 786-6179 - FAX speek@hollandhart.com ; jsnyder@hollandhart.com, alang@hollandhart.com, sbiornstad@hollandhart.com Attorneys for eTrepid and Warren Trepp</p>	<p>Carlotta P. Wells, Sr. Trial Counsel U.S. Dept. of Justice Fed. Programs Branch Civil Division, Room 7150 20 Massachusetts Avenue, NW Post Office Box 883 Washington, D.C. 20044 (202) 514-4522; 616-8470 - FAX E-mail: Carlotta.wells@usdoj.gov Attorneys for Department of Defense</p>
<p>Reid H. Weingarten, Esq. Brian M. Heberlig, Esq. Robert A. Ayers, Esq. Steptoe & Johnson, LLP 1330 Connecticut Avenue, N.W. Washington, D.C. 20036-1795 (202) 429-3000; (202) 429-3902 - FAX rweingarten@steptoe.com; bheberlig@steptoe.com; rayers@steptoe.com Attorneys for eTrepid and Warren Trepp</p>	<p>Raphael O. Gomez, Esq., Sr. Trial Counsel U.S. Dept. of Justice, Fed. Programs Branch Civil Division, Room 6144 20 Massachusetts Avenue, NW Post Office Box 883 Washington, D.C. 20044 (202) 514-1318; 616-8470 - FAX E-mail: raphael.gomez@usdoj.gov Attorneys for Department of Defense</p>
<p>Greg Addington, AUSA U.S. DEPARTMENT OF JUSTICE 100 W. Liberty Street, Suite 600 Reno, Nevada 89501 E-mail: Greg.addington@usdoj.gov (775) 784-5181 - FAX Attorneys for Department of Defense</p>	<p>Bridget Robb Peck, Esq. Lewis and Roca LLP 50 West Liberty Street, Suite 410 Reno, Nevada 89501 Tel: (775) 823-2900; Fax: (775) 823-2929 bpeck@lrlaw.com Attorneys for Atigeo LLC & Michael Sandoval</p>
<p>Roland Tellis, Esq. Marshall B. Grossman, Esq. Heather L. Ristau, Esq. Bingham McCutchen LLP 1620 26th Street, Fourth Floor, North Tower Santa Monica, CA 90404-4060 Fax: (310) 907-2143 E-mail: roland.tellis@bingham.com; marshall.grossman@bingham.com; heather.ristau@bingham.com Attorneys for Michael Sandoval</p>	<p>Robert E. Rohde, Esq. Gregory Schwartz, Esq. Rohde & Van Kampen 1001 Fourth Avenue, Suite 4050 Seattle, Washington 98154 Fax: (206) 405-2825 E-mail: brohde@rohdelaw.com, gschwartz@rohdelaw.com Attorneys for Atigeo LLC</p>
<p>Michael J. Flynn, Esq. P.O. Box 690, 6125 El Tordo Rancho Santa Fe, CA 92067 One Center Plaza, Suite 240 Boston, MA 02129 Fax: (858) 759-0711</p>	

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2 ☒ **[ELECTRONIC]** By filing the document(s) electronically with the U.S. District Court and
3 therefore the court's computer system has electronically delivered a copy of the foregoing
4 document(s) to the persons listed above at their respective email address.

5 I declare under penalty of perjury under the laws of the State of California and the United
6 States of America that the foregoing is true and correct.

7 Executed on May 12, 2009, at Los Angeles, California.

8 Ellyn S. Garofalo
9 (Type or print name)

10 /s/ Ellyn S. Garofalo
11 (Signature)